



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,764	02/23/2004	Paul Krzyzanowski	2100.0080001/TCF	6173
26111	7590	03/08/2006	EXAMINER	
STERNE, KESSLER, GOLDSTEIN & FOX PLLC 1100 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			HARPER, KEVIN C	
			ART UNIT	PAPER NUMBER
			2666	

DATE MAILED: 03/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/782,764

Applicant(s)

KRZYZANOWSKI, PAUL

Examiner

Kevin C. Harper

Art Unit

2666

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-96 is/are pending in the application.
- 4a) Of the above claim(s) 71-96 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-18, 20-30, 32-38, 41, 43-52, 55, 57-66 and 69 is/are rejected.
- 7) ☒ Claim(s) 7, 19, 31, 39, 40, 42, 53, 54, 56, 67, 68 and 70 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Election/Restriction***

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-70, drawn to synchronizing controllers, classified in class 370, subclass 254 and class 340, subclass 286.02.
- II. Claims 71-96, drawn to transferring control from a controller to a server, classified in class 709, subclasses 203 and 248.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable. In the instant case, subcombination I has separate utility such as providing coordination among several controlling devices. See MPEP § 806.05(d).

Because these inventions are independent or distinct for the reasons given above and have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper. Because these inventions are independent or distinct for the reasons given above and the inventions require a different field of search (see MPEP § 808.02), restriction for examination purposes as indicated is proper.

During a telephone conversation with Thomas Fiala (Reg. No. 43,610) on March 2, 2006 a provisional election was made with traverse to prosecute the invention of group I, claims 1-70.

Affirmation of this election must be made by applicant in replying to this Office action. Claims 71-96 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-6, 8-10, 14-18, 20-21, 25-30, 32-38, 41, 43-44, 48-52, 55, 57, 61-66 and 69 are rejected under 35 U.S.C. 102(e) as being anticipated by Gonzales et al. (US 2006/0020353).

1. Regarding claim 1, 9, 21, 33, 43 and 57, Gonzales discloses a method for synchronizing a first controller with a second controller (fig. 1, items 6, 10, 16, 20, 24, 26; fig. 14) where the controllers remotely control electronic devices (para. 3, lines 1-5). The method comprises discovering the second controller (figs. 5-6; para. 68, lines 3-5 and lines 26-29), generating first controller synchronization data for synchronizing the first and second controllers (para. 115, lines 9-20) and transmitting a message relating to the first controller synchronization to the second controller (para. 13, last seven lines; para. 79, lines 5-12). Further regarding claims 9 and 43, the controller is an apparatus comprising a network interface (fig. 2, item 56; fig. 1, item 4; para. 37, lines 1-4), a user interface (items 42 and 46), and a control logic (item 30 and 52) to execute the method. Further regarding claims 21 and 57, the method is implemented in a system (fig. 1) comprising an electronic device (para. 3, lines 1-5) and first and second controllers (fig. 1, any of items 6, 10, 16, 20, 24 or 26) for communicating over a network (fig. 1, item 4; para. 37, lines 1-4). Further regarding claims 33, 43 and 57, the synchronization among controllers occurs based on changes in state of the system (para. 79, lines 5-12).

Art Unit: 2666

2. Regarding claims 2, 14, 26, 34, 48 and 62, discovery of the second controller involves transmitting a query message (para. 65, lines 12-14) and waiting a predetermined amount of time to receive a reply to the query message (para. 65, lines 14-16).
3. Regarding claims 3-6, 8, 15-18, 20, 27-30, 32, 35-38, 41, 49-52, 55, 63-66 and 69, synchronization data is generated in response to the execution of a command that changes the control configuration of a controller and an electronic device (para. 79, lines 5-12; note: awaits input indicating that the local load or its multi-way group should be adjusted).
4. Regarding claims 10 and 44, the network interface (fig. 2, item 56) is a transceiver (note: 2-way).
5. Regarding claims 25 and 61, the electronic device comprises a lamp (para. 115, lines 23-25) or a television (para. 3, line 13).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11-13, 22-23, 45-47 and 58-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gonzales et al. (US 2006/0020353).

6. Regarding claims 11-13, 22-23, 45-47 and 58-59, Gonzales does not specifically disclose that the transceiver uses IEEE 802.3 Ethernet, Bluetooth, or IEEE 802.11. However, Gonzales discloses that the interconnecting bus may be of various communication media (para. 37, last seven

lines). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have IEEE 802.3 Ethernet, Bluetooth, or IEEE 802.11 in the invention of Gonzales in order to provide desired connectivity (para. 37, lines 6-7).

Claims 24 and 60, are rejected under 35 U.S.C. 103(a) as being unpatentable over Gonzales et al. (US 2006/0020353) in view of Weast (US 2004/0243694).

7. Regarding claims 24 and 60, Gonzales does not disclose that the controllers are PDAs. Weast discloses that UPNP discloses are PDAs (abstract, para. 44). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have a PDA in the invention of Gonzales in order to provide various user devices to control the network (Weast, para. 44).

#### *Allowable Subject Matter*

8. Claims 7, 19, 31, 39-40, 42, 53-54, 56, 67-68 and 70 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

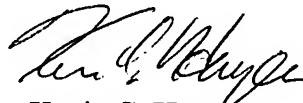
#### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Harper whose telephone number is 571-272-3166. The examiner can normally be reached weekdays from 11:00 AM to 7:00 PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham, can be reached at 571-272-3179. The centralized fax number for the Patent Office is 571-273-8300. For non-official communications, the examiner's personal fax number is 571-273-3166 and the examiner's e-mail address is kevin.harper@uspto.gov.

Art Unit: 2666

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications associated with a customer number is available through Private PAIR only. For more information about the PAIR system, see [portal.uspto.gov](http://portal.uspto.gov). Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kevin C. Harper

March 6, 2006